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4 COURTNEY MICHELLE LUNDGREN,
5 19290-030,

6 Petitioner,

7 v.

8 T. JUSINO, Warden,

9 Respondent.

10 Case No. [23-cv-01388-CRB](#) (PR)

11 **ORDER TO SHOW CAUSE**

12 Petitioner, a federal prisoner incarcerated at the Federal Correctional Institution in Dublin,
13 California (FCI-Dublin), has filed a pro se petition for a writ of habeas corpus under 28 U.S.C. §
14 2241 challenging a disciplinary finding (refusing to obey an order on October 11, 2022) she
15 claims is baseless and wrongly renders her ineligible for earlier release under the First Step Act
16 (FSA) of 2018. Petitioner alleges that she exhausted available administrative remedies.

17 **DISCUSSION**

18 A. Standard of Review

19 This court may entertain a petition for a writ of habeas corpus in behalf of a person “in
20 custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. §
21 2241(c)(3).

22 It shall “award the writ or issue an order directing the respondent to show cause why the
23 writ should not be granted, unless it appears from the application that the applicant or person
24 detained is not entitled thereto.” Id. § 2243.

25 B. Claims

26 Petitioner seeks federal habeas relief based on her claim that a baseless disciplinary finding
27 of refusing to obey an order on October 11, 2022 wrongly renders her ineligible for earlier release
under FSA. Liberally construed, the claim appears arguably cognizable under § 2241 and merits
an answer from respondent. See Zichko v. Idaho, 247 F.3d 1015, 1020 (9th Cir. 2001) (federal
courts must construe pro se petitions for writs of habeas corpus liberally).

CONCLUSION

For the foregoing reasons and for good cause shown,

1. The clerk shall serve electronically a copy of this order upon the respondent and the respondent's attorney, the United States Attorney for the Northern District of California, at the following email addresses: (1) usacan.ecf@usdoj.gov; (2) michelle.lo@usdoj.gov; and (3) kathy.terry@usdoj.gov. The petition and the exhibits thereto are available via the Electronic Case Filing System for the Northern District of California. The clerk shall serve by mail a copy of this order on the petitioner.

2. Respondent shall file with the court and serve on petitioner, within 60 days of the issuance of this order, an answer responding to the allegations in the petition and showing cause why a writ of habeas corpus should not be granted. Respondent shall file with the answer and serve on petitioner a copy of all documents that are relevant to a determination of the issues presented by the petition.

3. If petitioner wishes to respond to the answer, she shall do so by filing a traverse with the court and serving it on respondent within 30 days of his receipt of the answer.

4. Petitioner is reminded that all communications with the court must be served on respondent by mailing a true copy of the document to respondent's counsel. Petitioner also must keep the court and all parties informed of any change of address.

IT IS SO ORDERED.

Dated: May 17, 2023


CHARLES R. BREYER
United States District Judge